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## PART I

## IMPORTANT GOVERNMENT ORDERS

### CHIEF SECRETARIAT

**Passes orders on the recommendations of the Committee appointed to consider the question of Constitutional Reform in Mysore.**

READ—

Government Order No. 2691-2751—C. B. 165-37-1, dated 1st April, 1938, appointing a Committee to examine the question of Constitutional Reform in Mysore.

2. Government Order No. 3271-3371—C. B. 165-37-2, dated 26th April, 1938, nominating Mr. S. C. Malliah as a member of the Committee.

3. Government Order No. 4165-4222—C. B. 165-37-10, dated 9th June, 1938, appointing five more members to the Committee.

4. Government Order No. 1634-70—C. B. 165-37-24, dated 16th November, 1938, appointing *Rajadharmapravina Diwan Bahadur* Mr. P. Mahadevayya, in place of Mr. K. V. Anantaraman (resigned).

5. Letter dated 30th—31st August, 1939, from the Chairman of the Committee, submitting the Report of the Committee.

ORDER No. 1849-900—C. B. 58-39-1, DATED BANGALORE, THE 6TH NOVEMBER 1939.

Appointment of the Committee on Constitutional Reform.

In pursuance of the undertaking given by them to the Legislative Council in January, 1938, Government in their Order No. 2691-2751—C. B. 165-37-1, dated the 1st April, 1938, appointed a special Committee consisting of two official and seventeen non-official members, with *Rajasabhabhushana Diwan Bahadur* Mr. K. R. Srinivasa Iyengar as Chairman, for the purpose of examining the working of the representative institutions in the State and formulating comprehensive proposals as to the further changes which might be desirable in order to secure the steady and harmonious constitutional progress of the State. The personnel of the Committee was enlarged or altered from time to time according to the several Government Orders read above. As thus enlarged the Committee was composed of twenty-six members including the Chairman. Government regret that five members belonging to the Mysore Congress dissociated themselves from the work of the Committee from January 17, 1939.

Committee's Report.

2. The Report of the Committee, which was submitted to Government on the 31st August, 1939, is signed by the remaining twenty-one members, subject in some cases to separate notes or minutes of dissent. The Committee has carried out its task with insight and thoroughness, and submitted a Report which will stand out as a landmark in the constitutional history of Mysore. Government desire to convey their thanks to the Chairman and the members of the Committee for the excellent manner in which they have discharged their task.

3. The Committee asked for opinions from the public, and invited the members of the Legislative Council and the Representative Assembly as well as other prominent persons and associations in the State to send in their considered views on the subject. Over a thousand communications were sent out, and 440 replies were received by the Committee and duly taken into consideration. The Committee also took the oral evidence of selected representatives of the public, and examined 31 witnesses. The Committee has thus taken account of all shades of

public opinion in the country before arriving at its conclusions. On the Committee itself practically all schools of thought were represented.

Seeing that already nearly a year and a half has elapsed since the appointment of the Committee, Government are of opinion that it is in the public interest to deal with the recommendations of the Committee at once. Careful and detailed consideration has been given to the Report of the Committee as well as to all other views placed before the Government, and the decisions arrived at in regard to the general scheme have been embodied in the Proclamation which His Highness the Maharaja has been pleased to promulgate. Government will now proceed to explain these decisions with reference to the recommendations of the Committee and to pass orders regarding matters of detail.

Continuance of the Representative Assembly and the Legislative Council.

4. The history of representative institutions in Mysore is a long and interesting one. This history has been touched upon in the Government Order relating to the Constitutional Reforms of 1923, and also in the Government Order of the 1st April, 1938, appointing the Committee whose recommendations are now under consideration. The growth and working of these bodies has been reviewed in detail by the Committee in Chapter II of its Report, which gives a clear perspective of the course of constitutional evolution in Mysore during the last six decades.

The two popular institutions, the Representative Assembly which is peculiar to Mysore and the Legislative Council, whose growth has proceeded *pari passu* with the economic development of the State and the political advance of the people, have, each in its own sphere, been serving as a forum for bringing the wants and views of the people to the notice of Government. The Representative Assembly is a unique democratic institution which Mysore has evolved in order to meet her own needs; and the bulk of the Memoranda received and the witnesses who were examined before the Committee, especially those from the rural parts, are emphatic about its usefulness and the necessity for its continuance. The two Houses do not, however, correspond to the two chambers of a bicameral legislature. It may well be said that the Representative Assembly embodies the oriental conception of government, while the Legislative Council represents its occidental conception. The two stand in a peculiar relationship to each other. They are not strictly co-ordinate, but supplement each other's functions.

Government are in entire agreement with the recommendation of the Committee that both Houses should be continued in the new constitution, practically in their present form and character, but with certain enlarged powers and functions.

Representative Assembly and legislation.

5. At present the Representative Assembly has to be consulted by the Government with regard to proposed legislation. But the draft bill itself need not be placed before the Assembly, and it is sufficient if a statement of the general principles underlying it is placed before the House to ascertain its opinion. Such consultation may be either prior to the introduction of the bill in the Legislative Council or at the earliest opportunity after such introduction, but before it is finally passed. There is also a provision that the Assembly need not be consulted at all in cases of extreme urgency in which the Government propose that the ordinary rules of business of the Legislative Council should be suspended and the bill passed at a single sitting of the Council. The opinion expressed by the Representative Assembly is not binding in character and it is open to the Government to accept or reject it without giving reasons. Finally, a member of the Assembly cannot bring a private bill before the House for its consideration.

Government bills: Prior consultation, to be obligatory.

6. The Committee has now recommended that whenever any legislative measure is intended to be placed permanently on the statute book, the Assembly should invariably be consulted before the bill is introduced into the Legislative Council; and that in addition to the statement of general principles underlying the bill, a copy of the bill itself should be placed before the Assembly and its opinion ascertained. Government accept the recommendation.

Mode of consultation.

Opinion in the Committee was almost equally divided on the question whether, when a bill thus comes up before the Assembly, it should have the power of considering, as at present, only the principles underlying the bill and any of its provisions or whether its powers should be extended to the consideration of the bill in detail, clause by clause. The majority favour the latter alternative. Government,

after a careful consideration of the position, agree with the minority, that the Assembly would be handicapped in the exercise of such powers by reason of its size and composition, and also that the procedure suggested would lead to needless delay in the process of legislation. They therefore consider that the Assembly should be entitled to express its opinion only on the general principles underlying a bill or any of its provisions, and to propose amendments thereto but not to propose verbal amendments to the clauses of a bill.

The Committee has recommended that seven days' previous notice should be given of any amendment which may be proposed by a member, if he desires the House to divide and vote in respect of his amendment. Government, however, consider that this will lead to difficulties in practice and that it is unnecessary to lay down any restriction in this respect, as verbal amendments to clauses will not be allowed.

Effect of Assembly's opinion.

7. Government agree with the Committee that the opinion of the Assembly, especially when supported by a large majority, should carry due weight. They accordingly accept the Committee's suggestion that when the principles of a bill or any of its provisions are opposed or amended by a majority of members forming not less than two-thirds of the total strength of the Assembly, the verdict of the House should ordinarily be accepted by the Government.

The Committee points out, however, that there may be exceptional cases where the Government may find it necessary, in the public interest or for ensuring safety and good government, to proceed with a bill in the Legislative Council notwithstanding the adverse opinion of the Assembly. It recommends that in such cases it should be open to the Government to introduce the bill into the Legislative Council, with such modifications as may be deemed desirable by Government in the light of the opinions expressed by the Assembly, after issuing a statement giving reasons for its decision, a copy of such statement being sent to the members of the Representative Assembly as well as the Legislative Council.

Subsequent stages of legislation.

Government accept this recommendation, as well as the subsequent procedure suggested. This means that after a bill is passed by the Assembly, it may be introduced into the Legislative Council with or without the modifications proposed by the Assembly, and that, when the bill is finally passed by the Council, it need not be placed again before the Assembly but may be submitted to His Highness the Maharaja for assent together with a statement of the opinions expressed by the Assembly thereon.

Private Members' bills.

8. Government accept the Committee's recommendation that a member of the Representative Assembly should be allowed to place a bill before the House for its consideration, after obtaining the permission of the President. Any such bill, if thrown out by a majority of the members present and voting, will not be proceeded with. The same procedure will be adopted in the case of any private member's bill proposed to be introduced into the Legislative Council and placed before the Assembly to ascertain its opinion.

Emergency legislation.

9. Under the provisions of Section 9 (2) of the Representative Assembly Act, Government may, in cases of extreme urgency, place a measure on the statute book permanently without consulting the Assembly. Government have now accepted the Committee's recommendation that prior consultation of the Assembly should be obligatory in all cases where it is proposed to place a legislative measure permanently on the statute book. Emergencies necessitating legislation will therefore be met in future by the exercise of the power conferred under the Legislative Council Act of framing temporary regulations. These temporary regulations will have the force of law ordinarily for a period of six months. But in view of the fact that this interval might not always be sufficient to allow for consultation of the Assembly, the subsequent passage of the bill in all its stages in the Legislative Council and receiving His Highness's assent, the Government will take power, as recommended by the Committee, to extend, if necessary, the period of operation of any emergent enactment by a further period of six months.

Excluded subjects.

10. Under the provisions of the Legislative Council Act as in force at present, the Council is not empowered to consider any measure relating to or affecting :—

(a) the Ruling Family of Mysore;

(b) the relations of His Highness the Maharaja with the Paramount Power or with Foreign Princes or States;

(c) matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power;
(d) the provisions of Legislative Council Act No. XIX of 1923;
(e) the provisions of the Mysore Representative Assembly Act No. XVIII, 1923; or
(f) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja for consideration by Government.

In future, in view of the fact that the members of the Representative Assembly will have the privilege of bringing bills for consideration in the House, these exclusions will be made specifically applicable to the Assembly also.

Discussion regarding changes in the constitution of the two Houses.

11. In this connection, the Committee has recommended that, apart from legislation, it should be open to either House to discuss any subject relating to changes in the constitution and also to entertain resolutions and representations in this behalf. It has also suggested that the existing restriction which precludes each House from suggesting modifications of the constitution of the other House should be removed, and that resolutions proposing amendments to the constitution of the one or the other may be admitted with the previous sanction of the Dewan. Government are, however, of opinion that it would be inadvisable to allow either House to discuss or suggest modifications regarding the constitution of the other, as this is a matter affecting the relationship between the two Houses. Moreover the members of one House may not also have sufficient acquaintance with the conditions affecting the working of the other to be in a position to suggest any useful modifications.

Government consider that the existing restriction may therefore stand.

Bills affecting religion, etc.

12. The Committee has recommended that, with a view to safeguarding religious rights or usages, especially of the minority communities, previous sanction should be made a condition of the introduction in either of the Houses of any measure affecting the religion, religious rights or usages of any class of His Highness's subjects. Opinion in the Committee was, however, almost equally divided on the point whether the previous sanction should be that of His Highness or of the Dewan. Government consider that the existing provision that no measure of any description shall be introduced in the Council without the previous sanction in writing of the Dewan, is adequate for meeting such situations and that it will be sufficient if this is made specifically applicable to the Representative Assembly also.

Finance: Excluded heads of expenditure.

13. The Assembly already possesses the right of being consulted with regard to all proposals for the levy of new taxes or the enhancement of existing taxes. The budget is laid before the Assembly in the form of a statement which it is empowered to discuss, with the exception of certain heads of expenditure excluded from its purview. The exclusion of these heads is a necessary corollary to similar exclusions in the field of legislation. In respect of the following items, the proposals of the Government for the appropriation of revenues or other moneys for expenditure are not now open to discussion either in the Representative Assembly or the Legislative Council, nor are they liable to be submitted to the vote of the Legislative Council:—

(i) the Palace, including the staff and household of His Highness the Maharaja;
(ii) the Military Forces of His Highness the Maharaja;
(iii) the pensions of public servants;
(iv) items of expenditure relating to or affecting—
  (a) the relations of His Highness the Maharaja with the Paramount Power or with other States;
  (b) matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power;
(v) interest on loans and charges on account of sinking funds guaranteed at the time of raising the loans;
(vi) expenditure of which the amount is specified by or under any law.

Expenditure on Military Forces.

14. The Committee has recommended that discussion on item (ii), *viz.*, Military Forces of His Highness the Maharaja (excepting Palace Troops), may be allowed both in the Assembly and the Council, although no resolution or voting need be permitted thereon.

Government accept this suggestion. The other heads in the list will, as recommended by the Committee, continue to be excluded from the purview of both Houses.

Budget.

15. With regard to the budget, the estimated annual revenue and expenditure of the State is now laid before the Assembly in the form of a statement, which it is empowered to discuss with the exception of the excluded heads already referred to. Resolutions can also be moved by any member on the general principles and policy underlying the budget, but not with reference to particular grants or appropriations. The Committee recommends that the Assembly's power over the budget may be extended to the moving of resolutions on any of the major heads, but without reference to particular grants or appropriations included therein. As a matter of fact, Government have been admitting such resolutions and they have no hesitation in accepting the suggestion of the Committee which only confirms the existing practice. This will enable the Assembly to raise specific issues relating to the expenditure of the several departments.

Proposals for enhancement of grants.

16. Government are in agreement with the Committee, which has reiterated the opinion of the Seal Committee, that it is not safe to allow specific money grants to be dealt with by two sets of people's representatives in two different Houses. They also agree with the Committee's view that no proposal for the imposition of taxation or for the appropriation of public revenues, nor any proposal affecting or imposing any charge upon those revenues should be made except on the recommendation and responsibility of the Executive. This principle is one of the recognised canons of public finance.

Resolutions.

17. The right to move resolutions on matters relating to the public administration was first conferred on the Assembly under the Reforms of 1923. At present, the number of general resolutions that may be moved at a session is fixed for each district. Thus the districts of Bangalore and Mysore may each send up four resolutions and the other districts three each for the Dasara Session; and two each and one each, respectively for the Budget Session. In addition, it is provided that not more than one resolution concerning any minority or special interest may be sent up by any member representing such interest, subject to the usual restrictions. The order in which the resolutions are to be moved is at the discretion of the President.

Abolition of the system of district meetings for the selection of resolutions, etc.

18. The Committee now recommends that every member of the Assembly may send up one resolution for each session, Budget and Dasara; that the number of days allotted for the discussion of resolutions may be increased; and that the order in which resolutions are to be discussed may be determined by the drawing of lots. The Committee has recommended the abolition of the method now in use by which the resolutions to be sent up are selected at a meeting held at the District Headquarters under the presidentship of the Deputy Commissioner. It is of opinion that the method is prejudicial to minority parties. Government consider that there is some force in this criticism, and accordingly accept the Committee's recommendation, and direct that the present system of selecting at preliminary meetings in each district, the resolutions, representations and interpellations which are to come up before the Assembly may be abolished, and that the members may be allowed to send their resolutions direct to Government, the order in which resolutions are to be discussed being determined by drawing lots.

Interpellations.

19. The number of questions which may be sent is now fixed at eight each for the districts of Bangalore and Mysore and six each for the other districts for each session. Government accept the Committee's recommendation that each member may be allowed to send up one question for each session, that a preliminary selection is unnecessary, and that no maximum limit need be placed on the total number of questions to be sent by the members for any session. Supplementary questions may be allowed at the President's discretion.

Representations.

20. Similarly, in the case of representations, each member will be allowed to send one subject for each session as recommended by the Committee. Government agree with the Committee's suggestion that a matter falling within the competence of a local body or officer should not ordinarily be made a subject of representation, and that if any such local subjects are sent up by the members, they may be referred by the Government to the competent authority for disposal. This merely represents the existing practice. Government also accept the Committee's suggestion that a statement should be placed before the House regarding the action taken by them in respect of what they regard as local subjects.

Sessions of the Assembly.

21. The Committee considers that it is sufficient if there should ordinarily be two sessions of the Assembly every year as at present, one during Dasara and one at Budget time.

Government agree with this view.

Order of business.

22. It is now provided that the maximum duration of the sessions shall not exceed 8 sitting days for the Dasara Session and 6 sitting days for the Budget Session, it being open to the President to extend the term of any session for the completion of Government business. The Committee is of opinion that sufficient time is not being allotted at present to non-official business, *viz.*, resolutions and representations; and that many of these do not come up for discussion at all, but lapse for want of time. It therefore recommends that the time allotted for the consideration of representations and resolutions should be increased and the maximum period for the Dasara Session should be raised to 14 days and the Budget Session to 10 days. Government, while agreeing that greater scope should be allowed for the consideration of resolutions and representations, consider that the periods suggested by the Committee are too long. They therefore direct that the period for the Dasara Session be fixed at 10 days and that for the Budget Session at 8 days as follows:—

*Dasara Session*—

| | |
|---|---|
| Address of the Dewan-President, questions and Government business ... ... | 2 days |
| Representations (not more than) ... ... | 5 ,, |
| Resolutions (not more than) ... ... | 3 ,, |
| Total ... | 10 days |

*Budget Session*—

| | |
|---|---|
| Dewan's Address, etc. ... ... ... | ... 1 day |
| General discussions on the Budget (not more than) ... | ... 2 days |
| Resolutions on the Budget (not more than) ... ... | ... 2 ,, |
| Representations (not more than) ... ... ... | ... 2 ,, |
| Other resolutions ... ... ... ... | ... 1 day |
| Total | ... 8 days |

Consultation on important measures and policies.

23. The Committee has recommended that in the case of legislative, financial and administrative measures under contemplation, Government should as far as possible consult the Assembly and ascertain its views on such measures before taking a final decision. The Committee recognises that it has already become a practice or convention for Government to consult the Assembly on all important measures, but it considers that a formal recognition of the practice, combined with more frequent resort to it, whenever the Government could do so without prejudice to their own initiative and responsibility, would not merely enhance the status of the Assembly, but would also be one more means of establishing a closer nexus between the people and the administration.

Government are in entire sympathy with the Committee's recommendation.

Strength and composition of the Assembly.

24. The ordinary strength of the Assembly is at present fixed at 250, Government having the power to increase the number up to a maximum of 275 for the purpose of removing inequalities, if any, of representation, or for the representation of any new interests or constituencies that might develop. Membership is confined to non-officials, and it is provided that not less than 150 members shall be representatives of rural areas, and not less than 30 and not more than 55 representatives of urban areas, not less than 15 representatives of approved special interests, and not less than 35 representatives of minorities. There are 81 rural constituencies comprising all the taluks and sub-taluks and the Kolar Gold Field Sanitary Board Area. These return 164 members. There are 40 urban constituencies—the cities of Bangalore and Mysore and 38 town municipalities. These return 46 members. Forty-four members represent the minority communities, and 20 the recognised special interests, making up a total strength of 274 for the Assembly as last constituted in 1937. Of these, 239 have been elected either by general or special constituencies, and the remaining 35 have been nominated by Government.

Recommendation of the Committee.

25. The Committee has recommended that the strength of the Assembly may be increased to 300 ordinarily, Government taking power to increase this number by 10 or 15 more, in order to provide for the representation of any new interests or constituencies that may develop in future. The distribution proposed by the Committee is as follows:—

| | Seats. |
|---|---|
| (1) Rural Constituencies ... ... ... ... | 165 |
| (2) Urban Constituencies ... ... ... ... | 45 |
| (3) Minorities— | |
| (a) Muslims ... ... ... ... | 26 |
| (b) Depressed Classes ... ... ... ... | 30 |
| (c) Indian Christians ... ... ... ... | 5 |
| (d) Europeans ... ... ... ... | 1 |
| (4) Special Interests ... ... ... ... | 28 |
| Total ... | 300 |

Rural and urban constituencies.

26. Government agree with the Committee that the distribution of seats among the rural constituencies may be as at present, with the following modifications which are necessitated by territorial adjustments between taluks. The seats allotted to Gubbi and Krishnarajpete taluks may be respectively reduced from 3 to 2, an extra seat given to Turuvekere, which has been converted into a pucca taluk, and 2 seats to the newly constituted French-Rocks taluk. The taluks of Bangalore North and Bangalore South will have 2 seats each. The number of seats for rural constituencies will thus be 166. With regard to urban constituencies, Government approve of the recommendation of the Committee that the number of seats provided for each of the cities of Bangalore and Mysore may be reduced from 4 to 3, in view of the fact that a certain number of seats will be allotted to these cities out of the number of seats reserved for minority communities like Muslims and the Depressed Classes. Bhadravati town, which is growing in size and importance, will also be recognised as an urban constituency. The number of members representing the urban constituencies in the Assembly will thus be 45.

Reservation of seats for minority communities: Muslims.

27. As at present, a certain number of seats will be reserved for the minority communities, namely Muslims, the Depressed Classes and Indian Christians. In view of the increased strength proposed for the Assembly, as well as for the purpose of giving adequate representation to the Muslim community, the Committee has recommended that the number of seats reserved for them may be raised from 18 to 26. Opinion in the Committee was divided as to whether these seats should be filled through joint or separate electorates. The Muslim members of the Committee were emphatically in favour of separate electorates but a section of the Committee was strongly opposed to such a system. The majority of the Committee, while generally favouring joint electorates, have suggested that if joint electorates should be unacceptable to the community, some qualified system might be adopted as a compromise, at least in selected centres, with the safeguard that the successful candidate should get a prescribed percentage of the communal votes. Their conclusion, however, is that this is a question which should be decided in accordance with the wishes of the community.

On general considerations, and also in view of the fact that joint electorates have hitherto been in force in Mysore, Government would have preferred if the present system could be continued, or in the alternative, some system of qualified electorates adopted, *e.g.*, with the safeguard suggested by the Committee. It is, however, seen that the leaders of the Muslim community, whom Government have consulted in this connection, are at one regarding the advisability of having separate electorates in Mysore as in British India. In view of the unanimous desire of the representatives of the community, Government consider it desirable to accede to their wishes. They trust, however, that the system will not retard the growth of a sense of common citizenship and that it may be possible, at no distant date, to adopt a qualified system of joint electorates, if not of entirely common electorates.

Regarding the number of seats to be reserved, the leaders of the community have urged that they should be granted adequate weightage as in the Provinces. Government feel that there is considerable force in this representation and have decided to raise the number of seats reserved for the Muslim community to 30.

Depressed Classes.

28. The Committee has recommended that the number of seats to be reserved for the Depressed Classes may be raised from 6 to 30, in view of their large population and of the fact that a larger number of educated and competent persons will be available to fill the seats. As regards the electorate for these seats, the Committee has recommended a system under which the successful candidate, in addition to getting a prescribed percentage of his own community's votes, should also get a certain small prescribed percentage of the non-communal votes polled.

Government accept the recommendations of the Committee. The detailed electoral rules in this matter will form the subject of separate orders.

Indian Christians.

29. With regard to the Indian Christians 5 seats will, as at present, be reserved for them as recommended by the Committee. The method of election for the seats reserved for this community will be similar to that adopted in the case of the Muslim community.

European community.

30. The Committee has recommended that the European community also should be recognised and allotted one seat in the Assembly, and that the European Association should be the constituency for this seat.

Government approve of this recommendation.

Anglo-Indians.

31. Government consider that it is desirable to reserve one seat for Anglo-Indians also, and to throw it open for election by the members of that community, the electorate being similar to that for the European community.

Special Interests.

32. The Committee has recommended the allotment of 28 seats to the special interests. Government consider that separate representation is unnecessary in the case of Inamdars and Agriculture including Sericulture, and that the number of seats proposed by the Committee for Trade and Commerce, and for Industries is capable of reduction by one each, and that under present conditions in the State, 3 seats will provide adequate representation for Labour. The total number of seats for the special interests will thus be reduced to 22 and distributed as follows :—

| *Name of Interest.* | *No. of Seats.* |
|---|---|
| University ... ... ... ... | 1 |
| Planting ... ... ... ... | 2 |
| Trade and Commerce ... ... ... | 1 |
| Industries ... ... ... ... | 2 |
| Women ... ... ... ... | 11 |
| Labour ... ... ... ... | 3 |
| Co-operation and Banking ... ... ... | 1 |
| Gold Mining ... ... ... | 1 |
| Total ... | 22 |

Government accept the Committee's recommendations that out of the two seats reserved for the Planting Interest, one may be set apart for election by European Planters and the other by Indian Planters ; and that out of the 11 seats assigned to the Women one seat may be allotted to Muslim and one to Harijan women, and the cities of Bangalore and Mysore may form a single constituency for the seats reserved for Muslim and Harijan women. The Committee has recommended that the remaining seats for Women may be assigned to general constituencies, with joint electorates, with liberty to contest additional seats in the general constituencies.

Regarding the electorate for women, Government consider that for some time to come, it may be inconvenient for women to contest seats in general constituencies. They therefore accept the suggestion made by Sri K. D. Rukminiamma, the lady member on the Committee, that election for the women's seats may for some time to come be through specially formed associations in each district, except in the cities of Bangalore and Mysore where women may come through the general electorates.

Delimitation of constituencies.

33. Government accept the Committee's recommendation that the members of the Senate and the registered graduates of the University of Mysore should form the electorate for the seat allotted to the University as at present. Except in this case and that of Muslim and Harijan women, the Committee has not made specific proposals regarding the delimiting of the constituencies for the seats reserved for special interests nor have they done so in respect of the Depressed Classes or the

Indian Christians. In view of the fact that the number of seats allotted by Government to the Muslim community differs from the Committee's proposals, a fresh delimitation of constituencies for the seats reserved for this community is also necessary.

Government, therefore, accept the recommendation of the Committee that a special committee may be appointed for the purpose of considering these questions in respect of the Representative Assembly and the Legislative Council and of submitting specific proposals for the consideration of Government. Separate orders will be issued in this matter.

Nomination of members to the Assembly.

34. At present, Government may nominate members to the Assembly only for the purpose of making up deficiencies in the number of seats reserved for the minority communities, or the special interests, or removing inequalities of representation, if any. A suggestion was put forward in the committee that Government might take power to nominate a few members, so as to make it possible for the Assembly to obtain the services of persons with expert knowledge or special experience. Although the proposal was not supported by the majority of the members of the Committee, Government consider that the suggestion is a useful one; and they accordingly direct that 10 seats should be reserved for nomination by Government on special grounds such as those proposed. The advantages that the Assembly would derive from the arrangement are considerable, while the democratic character of the institution would be practically left untouched. Except for this purpose and for the representation of minorities or special interests where constituencies either have not been formed or are not functioning properly, there will be no nominated members in the Assembly.

Government also agree with the Committee that it is unnecessary to provide special representation for Hindu sub-communities, as this would tend to perpetuate internal cleavages. The present system, which is based on the recommendations of the Seal Committee, was envisaged only as a temporary measure to be abandoned as soon as circumstances justified it. Government consider that there is no need at present for the continuance of such an arrangement, and that the larger interests of the country as well as those of the communities themselves demand its abolition.

Strength and composition of the Assembly as accepted by Government.

35. As modified by Government, the distribution of seats in the Assembly will be as follows :—

| | |
|---|---|
| (1) Rural Constituencies | 166 |
| (2) Urban Constituencies | 45 |
| (3) Minorities :— | |
| (*a*) Muslims | 30 |
| (*b*) Depressed Classes | 30 |
| (*c*) Indian Christians | 5 |
| (*d*) Europeans | 1 |
| (*e*) Anglo-Indians | 1 |
| (4) Special Interests | 22 |
| (5) Nomination for special purposes | 10 |
| Total | 310 |

Government will also have the power to increase this number by 15 in order to provide for the representation of any new constituencies that may develop in the future. The maximum strength will be 325. The number of rural and urban constituencies and the seats provided for them is provisional and will be subject to further scrutiny by the Special Delimitation Committee to be constituted.

President of the Assembly

36. In view of the fact that one of the principal functions of the Representative Assembly is to serve as a forum for the making of representations to Government and obtaining direct redress regarding the wants and grievances of the people, the Committee consider it appropriate that the Dewan and the Members of Council (or Ministers) should continue to be, respectively, the President and Vice-Presidents of the Assembly, and are of opinion that a non-official President, being merely an officer of the House and having no connection with the administration, would not be in the same advantageous position to deal with representations as the members of the administration.

Government accept the recommendation.

Term of the two Houses.

37. The term of the Representative Assembly and of the Legislative Council is at present 3 years. The Committee has recommended that it may be raised to 4 years in each case.

Government accept this recommendation.

Allowances of members.

38. The Committee has made certain proposals in regard to the allowances payable to members of both the Houses and the amenities to be provided during the sessions.

Government will issue separate orders in this matter after consulting the Houses, if necessary.

The Legislative Council.

39. The Legislative Council, which was established in 1907 for the purpose of making laws and regulations, possesses full powers of legislation on all matters other than those specifically excluded from its jurisdiction. Its scope extends to all matters pertaining to the internal administration of the State, the subjects excluded being those relating to the Ruling Family, Treaty Relations and changes in the constitution of the State. The members of the Council are authorised to ask questions and move resolutions on matters of public interest or importance. In respect of finance, the proposals of Government for the appropriation of revenues or other moneys, on all heads other than those excluded from its purview, are submitted to the Council in the form of demands for grants; and the Council is empowered to assent, or refuse to assent, to a demand or to reduce the amounts specified therein either by reduction of the whole grant or by the omission or reduction of any of the items of expenditure included in the demand. The vote of the Council rejecting or reducing any demand is binding, except in cases where the Government consider that the expenditure provided for by the demand is necessary for the carrying on of any department or for the discharge of Government's responsibility. The Government are further empowered to authorise in cases of emergency such expenditure as may, in their opinion, be necessary for the safety or tranquillity of the State or any part thereof, or for the discharge of Government's responsibility.

Its powers: legislation.

40. The position which the Legislative Council will occupy under the new scheme in respect of legislation has been indicated in the paragraphs dealing with the powers of the Representative Assembly regarding legislation. Government have stated therein that they accept the Committee's recommendation that all bills should in the first instance be placed before the Assembly. Subject to this modification in the existing legislative procedure, the Council will continue to exercise its powers as heretofore, as recommended by the Committee.

Excluded subjects and heads of expenditure.

41. The subjects and heads of expenditure which are to be kept out of the purview of the Legislature will be common to the Council and to the Representative Assembly, and have already been dealt with in paragraphs 10 and 14. The legislation required in the field of the excluded subjects will be framed by Government as proposed by the Committee, and will come into force on receiving the assent of His Highness the Maharaja.

Finance.

42. As regards the financial powers of the Council, the Committee has recognised the need of giving Government the power of restoring any demand reduced or rejected by the Council, and of authorising expenditure in times of emergency. It accordingly recommends the continuance of the powers now vested in Government. The Committee, however, suggests that as "Government" is an impersonal body, the power of restoration should be vested in the highest administrative authority in the State, *viz.*, the Dewan, on the analogy of the practice in British India where a similar power is exercised by the Governor-General or the Governor, as the case may be, and that there should be a formal certification that the restoration of a rejected or reduced demand is necessary for the carrying on of the administration or for the discharge of Government's responsibility.

Government accept these recommendations.

Strength and composition of the Legislative Council

43. Exclusive of the Dewan and Members of Council the strength of the Council is now 50, of whom 21 are elected, while the remaining 29 are nominated by Government. The Committee proposes that the Legislative Council should be made an effective democratic instrument by giving it a decisive elected majority. It also recognises the need for Government to nominate some officials and non-officials, so as to enable them to secure the co-operation of men of experience

and eminence whose presence in the Council would be of great advantage. It has accordingly suggested a measure of nomination which, in its opinion, while adding weight to the deliberations of the Council, will not checkmate or defeat the will of the elected element. Government fully agree with the proposal of the Committee and accept its recommendation that the strength of the Council should be increased to 68, with 44 elected and 24 nominated members, the elected element consisting of 24 members elected from general constituencies and 10 representatives each of minorities and special interests.

**General constituencies.**

44. The general constituencies and the number of seats allotted to each of them will be as follows, as proposed by the Committee :—

| | |
|---|---|
| Districts of Bangalore, Mysore, Kolar and Tumkur; three each ... | 12 |
| Districts of Hassan, Shimoga, Chitaldrug, Kadur and Mandya; two each ... | 10 |
| Cities of Bangalore and Mysore; one each. | 2 |
| Total ... | 24 |

Each district will be a multi-member constituency, returning two or three members, as the case may be.

**Minority communities.**

45. Minority communities are now represented on the Council by nomination. Muslims are guaranteed two seats, and the Depressed Classes and Indian Christians one seat each. The Committee proposes that four seats each may be reserved for Muslims and Depressed Classes and one seat each for Indian Christians and Europeans. It further proposes that, except in the case of Europeans, the representatives for these seats should be directly elected from territorial constituencies. Government accept these proposals with the modification that, for the reasons which have already been given by them, the number of seats to be reserved for Muslims will be fixed at five.

**Special Interests.**

46. Four special interests are now recognised for the purpose of representation in the Council, *viz.*, Mysore University, Trade and Commerce, Planting, and Labour, which have been given one seat each. The Committee proposes that the number of seats given to Planting and to Labour may be increased to two, and suggests two seats for Women and one seat each for Mining and other Industries.

Government approve of these proposals but they do not consider it necessary to allot a seat to "other industries." The special interests to be represented on the Council and the number of seats allotted to them will be as follows :—

| | |
|---|---|
| University ... ... ... ... | 1 |
| Trade and Commerce ... ... ... | 1 |
| Mining ... ... ... ... | 1 |
| Planting— | |
| (*a*) Indian ... ... ... ... | 1 |
| (*b*) European ... ... ... ... | 1 |
| Labour ... ... ... ... | 2 |
| Women ... ... ... ... | 2 |
| Total ... | 9 |

**Nomination of members.**

47. Government accept the proposal of the Committee that Government may nominate 16 officials and 8 non-officials to the Council, and that a member of the Anglo-Indian community may be nominated to one of the seats provided for nominated non-officials, with a view to securing representation of that community. They take note of the observations of the Committee that the number of officials may be kept at the lowest possible limit, and that the number of nominated officials and non-officials proposed by the Committee is not to be regarded as a fixed number, but rather as a maximum which is not to be exceeded.

**President of the Council.**

48. The Dewan is now the *ex-officio* President of the Legislative Council, and the Members of the Executive Council are *ex-officio* members. The Committee has recommended that the Council should in future have a non-official President elected by the House itself, subject to the approval of His Highness the Maharaja.

Government accept this recommendation. But for the first term, as recommended by the Committee, the President will be nominated by His Highness the Maharaja, and he will hold office during the pleasure of His Highness.

**Deputy President.**

49. The Committee has further recommended that the Council may be allowed to have an elected Deputy President, the choice being subject to the approval of His

Highness the Maharaja, and further that a panel of four Chairmen may be selected by the President from among the members of the House to preside over the deliberations of the Council in the absence of both the President and the Deputy President.

**Emoluments of the President and the Deputy President.**

Government approve of these recommendations, as also the recommendations of the Committee that the salary of the President nominated by His Highness the Maharaja, for the first term, may be fixed by His Highness, and that the rank and status of the President, whether nominated or elected, should be that of a Minister. The emoluments of the elected President and the Deputy President will be fixed by the Council itself as recommended by the Committee. But Government consider that these should be subject to the approval of His Highness the Maharaja.

**Term of office of the President and the Deputy President.**

50. The term of office of the elected President and the Deputy President will be coterminous with that of the Council, as recommended by the Committee. They will, however, be removable earlier by His Highness the Maharaja on the submission to him, as recommended by the Committee, of a resolution of no-confidence, passed by a majority of not less than two-thirds of the total strength of the House, provided that 15 days' previous notice has been given by a member of a proposal to bring a motion of no-confidence against the President or Deputy President, and that such proposal has the support of at least 15 members before discussion on it is permitted.

**Secretary and staff.**

51. Government accept the recommendation of the Committee that the Council should be provided with a Secretary and staff adequate for the conduct of the work of the Council. These will, as recommended by the Committee, form part of the Government Secretariat staff, but they will work in subordination to, and be subject to, the control of the President, who will have an effective voice in the selection and appointment of the Secretary as well as of the staff.

**Sessions of the Council.**

52. Government approve of the proposal that statutory provision may be made providing that there should be not less than two sessions of the Council every year.

**The Executive.**

53. Government have perused with special interest the paragraphs in the Committee's Report dealing with the nature and composition of the Executive, and are in general agreement with the view taken by the Committee regarding the necessity for the inclusion of a popular element in the executive administration, while holding that it would be inadvisable to adopt any dyarchical system with a division of responsibility for the administration of "transferred" and "reserved" subjects. They consider that the scheme recommended by the Committee provides for joint responsibility and seems to be best suited to the present conditions of Mysore, as it does not entail too sudden a break with the existing system.

**Composition of the Executive Council.**

54. The Executive Council will consist of the Dewan and not less than four Ministers. For the present, the number will be fixed at four. The Dewan will be the President of the Council, and will be appointed by His Highness the Maharaja at his pleasure either from among officials or non-officials. He will not be a member of the Legislative Council, but will have the power to attend its meetings and address it whenever he desires to do so. Of the four Ministers, not less than two will be non-officials selected from among the elected members of the Representative Assembly or the Legislative Council, one from each body, if possible. These Ministers will continue to be members of the Houses to which they belong, and all the Ministers will be *ex-officio* members of the Legislative Council.

**Term of office of Ministers.**

55. Subject to the pleasure of His Highness the Maharaja, the term of office of the Ministers drawn from among the elected members of the Legislature will be co-extensive with the term of the Houses; official Ministers will hold office during the pleasure of His Highness, but subject to the provisions of the Mysore Service Regulations.

**Relation between the Executive and the Legislature.**

56. The distribution of portfolios between the Dewan and the other Members will be at the discretion of His Highness the Maharaja, no Minister being under a disability to hold any portfolio on the ground of being a non-official. The Ministers will not be removable on a vote of no-confidence and there will therefore be no provision for a motion of no-confidence against them.

Government agree with the Committee that the provisions for the rejection of demands for grants, or cut motions on demands, for discussing the budget and for

passing resolutions provide sufficient opportunities for bringing to the knowledge of His Highness the Maharaja any deficiencies or defects in the administration, and for giving expression to the views of the Legislature in respect of the policies and measures of Government, and that it must be left to the pleasure of His Highness to take such notice of this as he may consider suitable in the circumstances.

Franchise for the Legislative Council.

57. Government are in general agreement with the recommendations made by the Committee with regard to the franchise. The existing qualifications of voters for the Legislative Council will be retained, except that, as recommended by the Committee, the educational qualification for women voters for the Legislative Council will be reduced to the possession of the Secondary School Leaving Certificate.

Franchise for the Representative Assembly: Property qualifications.

58. With regard to the Representative Assembly, the property qualifications in urban areas, which are already sufficiently low, will be retained as at present. The qualifications based on taxation, etc., in the case of rural voters to the Representative Assembly will be reduced. Government, however, consider that in respect of registered occupants of lands and *kadim* tenants, it will be sufficient if the assessment to land revenue or annual rent, as the case may be, is reduced from Rs. 25 to Rs. 15 instead of Rs. 10, as recommended by the Committee. The assessment to taxes under the Panchayets, Mines and Municipal Acts entitling a person to be registered as a voter will be reduced from Rs. 5 to Rs. 4. The qualification of inamdars based on the *beriz* of inam villages owned by them will be reduced from Rs. 125 per annum to Rs. 100 per annum; and the present restriction requiring them ordinarily to reside in the constituency in order to be eligible to vote, will be abolished, as recommended by the Committee.

Educational qualification.

59. The eligibility to be a voter for the Representative Assembly on grounds of education is restricted at present to a graduate of a University who ordinarily resides in the constituency. As recommended by the Committee, the qualification will be reduced to the possession of the Secondary School Leaving Certificate in the case of men, and to a pass in the Upper Primary, Middle School or Lower Secondary examination in the case of women. The general effect of the extension of the franchise will be to increase the number of voters for the Representative Assembly more than two-fold. There are practical difficulties in the way of further enlarging the electorate at one step.

Franchise for the Depressed Classes.

Government agree with the Committee that some form of differential franchise should be devised for levelling up the Depressed Classes votes by enfranchising in those classes the same percentage of population as is enfranchised among the caste Hindus. The extent to which the franchise qualifications could be reduced in order to secure the desired percentage will, as suggested by the Reforms Committee, be remitted, for consideration to the Special Committee which is to be set up to advise on the delimitation of constituencies.

General qualifications for voters.

60. With regard to the general qualifications for voting, Government accept the following modifications in the existing rules suggested by the Committee with regard to the Representative Assembly and also the Legislative Council:—

(i) The period of six months prescribed for residence in the State, in order to qualify a person to have his name entered on the electoral roll, will be raised to one year.

(ii) The period entitling a person to claim to be a subject of His Highness the Maharaja by domicile will be extended from five to ten years.

(iii) The period of operation of the disqualification in the case of persons convicted of certain criminal offences or of dismissed Government officials, which is now fixed at ten years, will be reduced to five years.

(iv) The disqualification on the ground of a sentence or conviction for criminal offences will be applicable only to such offences as involve moral turpitude, it being left to Government to determine whether moral turpitude exists in each case.

Qualifications of candidates.

61. In respect of the qualifications of candidates, Government accept *in toto* the modifications recommended by the Committee as follows:—

(i) The minimum age for candidates for the Representative Assembly will be fixed at 25 years, instead of 21 years as at present.

(ii) The educational qualification for a member of the Representative Assembly, in the absence of any other qualification, will be that of a graduate of a University.

(iii) A person who possesses the necessary qualifications as an elector in any constituency but does not possess the qualification above prescribed for a member will be entitled to stand as a candidate for election to the Representative Assembly only in that constituency.

(iv) The minimum age for candidates for the Legislative Council will be raised from 25 to 30 years.

(v) The amount of income-tax qualifying a person as a candidate for the Legislative Council will be reduced from Rs. 200 to Rs. 50; and the *beris* on inam villages from Rs. 250 to Rs. 100.

(vi) The existing rule under which shanbhogs and patels are treated as non-officials and allowed to stand as candidates for election to the Representative Assembly will be retained.

Modified rules embodying these recommendations will be issued separately.

Privileges of members of the two Houses.

62. A Committee appointed by Government in 1935 for the purpose of examining and suggesting modifications in the Representative Assembly and the Legislative Council Acts had considered the question of the privileges of members of the two Houses, and had recommended that the same freedom of speech as is allowed in the Indian Legislative Assembly might be granted to the members of the Legislative Council in Mysore. The Committee on Constitutional Reform has now recommended that provision may be made in the constitution for freedom of speech in both the Houses on lines similar to those of Section 71 (i) of the Government of India Act, 1935, which reads as follows:—

"Subject to the provisions of this Act and to rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in every Provincial Legislature, and no member of the Legislature shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a Chamber of such a Legislature of any report, paper, votes or proceedings."

The Committee also proposes that the members of the two Houses should be exempted from arrest under civil process (excepting in respect of insolvency proceedings) during the sittings or any meetings of the House.

Government accept both these recommendations.

Appointment of State's representatives to the Federal Legislature.

63. The Committee has made certain recommendations in regard to the mode of appointment of the State's representatives on the Federal Legislature. These will be considered by the Government at the appropriate time.

Fundamental Rights.

64. Among other recommendations, the Committee urges the necessity for a declaration of fundamental rights. This subject has been a fruitful ground of controversy, and it is a debatable point whether a declaration of such rights would serve any useful purpose. As observed by the Committee, it is well known that most of these rights are now being actually enjoyed by the people of Mysore. Government, while sympathising with the considerations which actuated the Committee to make their recommendation, consider it unnecessary to make any formal declaration in this behalf.

Public Services Commission.

65. The Committee has recommended the appointment of a Public Services Commission to assist Government in regard to recruitment to, and organisation of, the public services.

Government accept the principle underlying the recommendation and the details will be examined and orders passed separately on this proposal.

The Judiciary.

66. Government consider it unnecessary to lay down any special provisions as recommended by the Committee to ensure the independence of the Judiciary. The Committee has pointed out that in Mysore the judges of the High Court are appointed by the Ruler and they function under statute. Their uprightness and integrity as well as their efficiency have always been above reproach, and there has not been a breath of suspicion that the Executive has sought to put pressure upon them or to influence them in any manner. The Committee's recommendation merely follows the usual practice in framing modern constitutions of providing for the independence of the Judiciary by statute, as has been done to some extent in the Government of India Act of 1935.

Government consider that in the actual circumstances of Mysore such provisions are superfluous.

Local self-government.

67. With regard to the Committee's recommendation regarding local self-government, Government accept the principle that all City and Town Municipalities should be given the privilege of electing their own Presidents. This has

been conceded by Government already, and steps will be taken by Government to give effect to the decision as circumstances permit.

Government take note of the Committee's suggestion that a whole-time officer may be appointed with necessary powers to watch and supervise local self-governing institutions, to co-ordinate their work and do all things necessary for improving their efficiency. They are, however, of opinion that there is no immediate necessity for the appointment of such an officer. The matter will be kept in view and considered when occasion arises.

Declaration of the goal of constitutional reform.

68. Referring to the general effect of its recommendations, the Committee has observed : " We believe that these proposals embody the largest possible measure of advance on democratic lines compatible with the existing political conditions in the State." These proposals have, in the main, been accepted by Government. Only one point remains to be considered, *viz.*, the recommendation of the Committee regarding a declaration of the goal of constitutional reform in the State. Government observe that the Committee considered three alternative formulas, and that opinion was almost equally divided as regards the suitability of each. Each formula lays emphasis on different factors of constitutional progress and safety. The recommendation, moreover, is also not unanimous, and a minority is emphatically opposed to any such declaration. The Committee has fully realised the difficulties inherent in the question. Government, while appreciating the considerations which prompted the Committee to urge the necessity for such a declaration, consider that as is observed by the Committee itself in another connection, " we are passing through times of such rapid change that it is impossible for any one to foresee the trend of political actualities a decade ahead."

Principle underlying the reforms.

69. As has been pointed out by the Committee, "The principle which has inspired all constitutional developments in Mysore was first indicated in the Government Order of the 25th August, 1881, calling into being the Mysore Representative Assembly, *viz.*, that it should serve to convince the people that the interests of the Government are identical with those of the people. In the successive schemes of reform that have been adopted in the State from time to time during the last fifty-eight years, this purpose of enabling the citizens to realise the fundamental oneness between themselves and the State, by allowing them to participate in the shaping of the policies and measures of the Government, has found progressive fulfilment."

The Proclamation announcing the Reforms of 1923 affirmed His Highness's constant and earnest desire to provide for the increasing association of his people with his Government in the administration of the State. There need be no doubt whatever that the same policy will be pursued in the future and that the constitution will continue to develop by natural process determined by reason and reality, so that progress will be genuine and secure.

B. T. KESAVIENGAR,
*Chief Secretary to Government.*

**Concessions in connection with the Economic Depression.**

READ—

Government Order No. R. 1579-89—L. R. 180-38-2, dated 22nd September 1938, sanctioning certain concessions in the payment of land revenue and other miscellaneous demands during 1938-39.

2. Un-official Note No. C. 2156—39-40, dated 11th October 1939, from the Revenue Commissioner in Mysore, recommending that the concessions referred to in the Government Order read above, may be continued during the current year also.

ORDER NO. R. 2599-610—L. R. 219-39-2, DATED BANGALORE, THE 24TH OCTOBER 1939.

Government are pleased to sanction the continuance of the following concessions until the close of the official year 1939-40 :—

I. RECOVERY OF LAND REVENUE ASSESSMENT.

(1) All notice and Istibar fees to be invariably remitted if the arrears are paid before the end of the official year, the power to remit such fees being vested in the Amildar.